

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 9.16 of the Lincoln Municipal Code  
2 relating to Offenses Against Public Decency by adding a new section numbered 9.16.250 to  
3 provide residency restrictions for sexual predators.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Chapter 9.16 of the Lincoln Municipal Code be amended by  
6 adding a new section numbered 9.16.250 to read as follows:

7 **9.16.250 Residency Restrictions for Sexual Predators.**

8 (a) Purpose. The Nebraska Legislature finds that certain sex offenders present a high  
9 risk of recidivism and has enabled municipalities to restrict such person's place of residence as  
10 provided in the Sexual Predator Residency Restriction Act. It is the intent and purpose of this  
11 section to serve the City's compelling interest to protect the health, safety and welfare of the  
12 children of the City of Lincoln, Nebraska from the risk that sexual predators may reoffend where  
13 children congregate on a regular concentrated basis by prohibiting sexual predators from  
14 establishing a residence around schools.

15 (b) Definitions. The following words, terms and phrases, when used in this section,  
16 shall have the meanings prescribed to them, except where the context clearly indicates a different  
17 meaning:

18 **Sex Offender** shall mean an individual who has been convicted of a crime listed  
19 in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the  
20 State of Nebraska's Sex Offender Registration Act.

21 **Sexual Predator** shall mean an individual who is required to register under the  
22 State of Nebraska's Sex Offender Registration Act, who has a high risk of recidivism as

1 determined by the Nebraska State Patrol under Neb. Rev. Stat. §29-4013 and who has victimized  
2 a person eighteen years of age or younger.

3 **Reside or residence** shall mean a place where the sexual predator abides, dwells,  
4 lives or sleeps, which may include more than one location and may be mobile or transitory.

5 **School** shall mean a public, private, denominational or parochial school which  
6 meets the requirements for accreditation or approval prescribed by the State of Nebraska,  
7 pursuant to Nebraska Revised Statute Chapter 79, and which has or includes any or all grades  
8 kindergarten through 12th grade.

9 (c) **Residency Restrictions.** It shall be unlawful for a sexual predator to reside within  
10 500 feet of the real property comprising a school.

11 (d) **Measurement of Distance.** For purposes of determining the minimum distance  
12 separation, the requirement shall be measured by following a straight line from the outer  
13 property line of the real property comprising a residence to the nearest outer property line of the  
14 real property comprising the school.

15 (e) **Penalty for Violation.** Any person who shall violate any provision of this section  
16 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment  
17 in the county jail for a period not to exceed six months or by a fine of not less than \$250.00 nor  
18 more than \$500.00 or both such fine and imprisonment.

19 (f) **Exceptions.** A sexual predator residing within 500 feet of the real property  
20 comprising a school does not commit a violation of this ordinance if any of the following apply:

21 (1) **The sexual predator resides within a prison or a correctional or treatment**  
22 **facility operated by the state or a political subdivision.**

23 (2) **The sexual predator has established a residence before July 1, 2006, and**  
24 **has not moved from that residence.**

1                   (3)     The sexual predator has established a residence after July 1, 2006, and the  
2 school triggering the restriction was established after the initial date of the sexual predator's  
3 residence at that location.

4                   (g)     This section does not preclude a sexual predator deemed to be handicapped or  
5 disabled under the Fair Housing Act, Rehabilitation Act, or Americans with Disabilities Act  
6 from pursuing requests for reasonable accommodations.

7                   (h)     If any provision of this section or its application to any person or circumstance  
8 shall be held invalid, the remainder of the section or the application of the provisions to other  
9 persons or circumstances shall not be affected.

10                   Section 2. That this ordinance shall take effect and be in force from and after its  
11 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor